

Order Number 101B**Challenge Inspections
under the Chemical Weapons Convention**

The United States is one of more than 170 States Parties to the Chemical Weapons Convention (CWC), which prohibits the development, production, acquisition, stockpiling, transfer, and use of chemical weapons. The Organization for the Prohibition of Chemical Weapons (OPCW) was established to implement the Convention and to verify compliance. For this purpose, OPCW Technical Secretariat inspectors conduct on-site inspections and other compliance-verification activities at a wide range of facilities.

Challenge inspections are a specific type of short-notice inspection. Any State Party may submit a request to the OPCW Executive Council and Director-General for a challenge inspection to be conducted at any location to resolve concerns about the possible non-compliance of another State Party. The requesting State Party must provide information about the activities giving rise to their concerns. Upon receipt of such a request, the Executive Council may, by a 3/4-majority vote, block a challenge inspection if the compliance concern does not have merit.

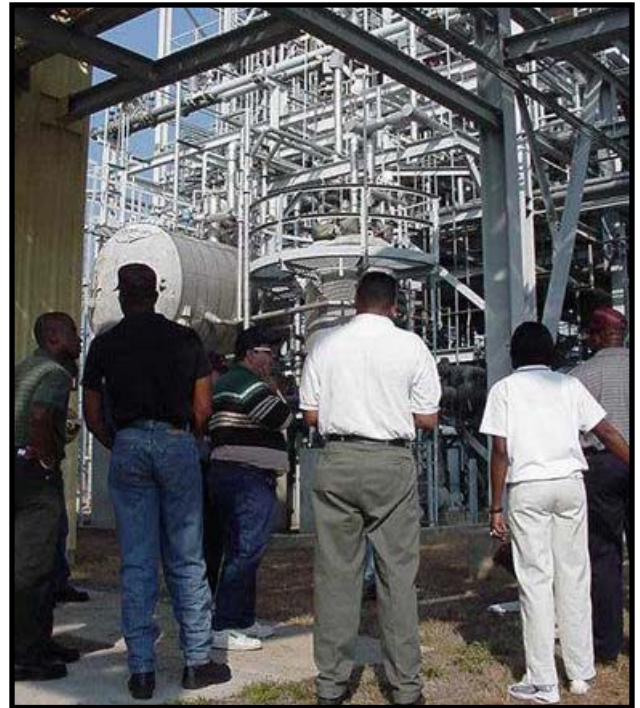
Although no challenge inspections have been requested to date, one could occur at any time. Any facility or location in the territory or in any other place under the jurisdiction or control of any State Party is subject to a challenge inspection.

Timelines

The Convention outlines detailed timelines for challenge inspections. For example, the OPCW Director-General must notify the State Party of a challenge inspection no less than 12 hours before the inspection team's arrival at the point of entry (POE). The inspected State Party must transport the inspection team to the inspection site no later than 36 hours following arrival at the POE—except in the case of a declared facility, in which case transportation must be completed within 24 hours. Once the inspection begins, it may last no longer than 84 hours, unless the inspected State Party agrees to an extension.

Inspection Rights & Obligations

During a challenge inspection, the inspection team has the right to monitor all traffic exiting the facility; take air, soil, or effluent samples within a band up to 50-meters wide surrounding the site perimeter; request to have photographs taken; review records; interview employees;



Access to areas and processes will be granted on the basis of managed access during a challenge inspection.

and request aerial access to the inspection site. However, inspectors also are obligated to conduct their inspection in the least intrusive manner possible. The United States will apply the Convention's "managed access" provision to all inspection activities.

Should a challenge inspection occur at a U.S. facility, Government treaty implementers will work with facility managers or commanders to negotiate the degree and type of access an inspection team will be afforded. Inspector access may be limited to non-sensitive activities and areas, as long as alternative means of clarifying the possible non-compliance concern are provided.

Proper planning can reduce the risk to national security, proprietary, or other sensitive information. Planning should take full advantage of CWC protective rights, including the right to remove sensitive papers, shroud sensitive equipment or control panels, and manage inspector access within the facility. Planning should also consider alternative means to satisfy compliance concerns.

To obtain additional information about the CWC, other arms control treaties potentially affecting your facility, and the application of security countermeasures, contact the DTIRP Outreach Program Coordinator at 1-800-419-2899, your local Defense Security Service (DSS) Industrial Security representative, or your government sponsor.